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Attorney Docket No. 22510-501



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): McCarthy *et al.*  
APPLICATION NUMBER: 09/996,187  
EXAMINER: Not yet assigned  
FILING DATE: Nov. 27, 2001  
ART UNIT: 1645  
FOR: FUNCTIONAL PROTEIN EXPRESSION FOR RAPID CELL-FREE  
PHENOTYPING

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

## TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Response to Notice to File Missing Parts and Preliminary Amendment with Marked up Version of Specification showing Changes Made (Appendix A);
2. Combined Declaration and New Power of Attorney for Patent Application provided in two parts;
3. Sequence Listing consisting of a paper copy and two (2) duplicate computer readable diskettes;
4. Statement in Support of Computer Readable Form Submission Under 37.C.F.R. §1.821(f);
5. Copy of single Replacement Page illustration FIGs 1-3 (Appendix B);
6. Copy of the Notice to File Missing Parts;
7. Copy of the Filing Receipt with hand-marked changes (Appendix C); and
8. Check No. 12856 in the amount of \$184.00 (\$130.00 and \$54.00).

Respectfully submitted,

*for*  37,833  
Michel M. Morency, Reg. No. 50,183  
Attorney(s) for Applicants

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
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PATENT TRADEMARK OFFICE



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/996,187	11/27/2001	Lawrence McCarthy	22510-501

MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
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Boston, MA 02111

CONFIRMATION NO. 3934

## FORMALITIES LETTER



\*OC000000007753940\*

Date Mailed: 04/01/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

06/10/2002 HVUONG1 00000046 09996187

FILED UNDER 37 CFR 1.53(b)

01 FC:105  
02 FC:103130.00 OP  
54.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$54.
  - \$54 for 17 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 184.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
  - drawings contain excessive text. Suitable descriptive legends may be used, or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible ( see 37 CFR 1.84(o));
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after

September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/986,187	11/27/2001	1645	1272	22510-501	3	34	3

RECEIVED

APR 04 2002

MINTZ LEVIN, BOSTON  
PATENT DOCKET DEPT.

CONFIRMATION NO. 3934

## FILING RECEIPT



\*OC000000007753939\*

MINTZ, LEVIN, COHN, FERRIS,  
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Date Mailed: 04/01/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) **Laurence**

~~Lawrence~~ McCarthy, Great Falls, VA;  
Lilly Kong, Covina, CA;  
Tang Shao, Monterey Park, VA;  
Xin Su, Irvine, CA;

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/253,150 11/27/2000  
AND CLAIMS BENEFIT OF 60/297,686 06/12/2001 -

(\*) Data inconsistent with PTO records

**AND claims benefit  
of 60/304,533 7/9/01.**

<input checked="" type="checkbox"/> Data Entry	Done By
<input type="checkbox"/> Docket Entry	Jin
<input checked="" type="checkbox"/> Docket Cross Off	
<input type="checkbox"/> Previously Entered	
<input type="checkbox"/> No Docketing Req	
<input type="checkbox"/> ELITE	
<input type="checkbox"/> Annuities	

## Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

## Title

Functional protein expression for rapid cell-free phenotyping

## Preliminary Class